

Brian Wood HB 548

My name is Brian Wood. I live on a farm at Loma. Over the years, we have raised cows, pigs, and a few chickens. My wife and I have a hobby of showing and now breeding Afghan Hounds. As a lifelong Democrat and a firm believer in government's role of reasonable and effective regulation, I oppose this bill because I don't think it is a solution to the problem of mistreated dogs in dog breeding facilities.

If I look at the bill as it has come over from the House, New Section 1 is confusing to me. It says "department to adopt rules ***governing*** standards (dash) inspection report" but the standards themselves have been eliminated below in 2a,b, and c. As presented, the rules now must include the "procedures that the department will follow to implement facility registration and inspection..." So if there aren't going to be standards established, I don't really understand what the procedures are either.

Paragraph (3) of Section 1 says the facility shall register with the department, but doesn't say there are any consequences for not doing so. From my understanding of the House Ag Committee's Executive Session, the proponents were hoping to re-establish penalties in the Senate, after an amendment establishing penalties failed in committee.

Paragraph (5) of Section 1 says the owner or manager of a facility that fails inspection may not breed or sell dogs until it has passed a subsequent inspection. Has anyone considered what was to become of the dogs in the meantime? Puppies grow into adults and pregnant bitches continue to have more puppies. This prohibition is not practical.

Paragraph (6) of Section 1 says it applies to commercial breeders, pet stores, animal rescue shelters, and humane societies. I guess for the purposes of this bill, a facility that sells 100 or more dogs/year is a commercial breeder. It is pointed out in the fiscal note that rescue shelters and humane societies would not come under the proposed statute's jurisdiction because they only charge adoption fees to recoup expenses like spay/neuter, vaccinations, and veterinarian services.

Now, where I have the most difficulty with House Bill 548 is in the financing of its implementation. And this is because we don't have enough dog breeders in Montana to support an inspection system. Section 3 mentions \$62,000 yearly appropriation which Representative McAlpin said in the house ag committee hearing was calculated by multiplying the proposed \$415 license fee times an estimated 300 facilities and dividing that by the two years in a biennium. However, the fiscal note lists over \$85,000 as the estimated cost per year of expenses of this proposed statute.

That would require over 400 facilities to finance the estimated expenses of 1 1/2 full-time employees. The fiscal note goes on to estimate there would only be 15 facilities statewide that would qualify to meet the 100-dog sales per year threshold to be covered by this inspection plan. Personally I think that 15 facilities is generous. I don't believe you could find 15 \*facilities\* that sold 100 dogs/year in Montana. But even if that were the case, as the fiscal note points out, only something over \$3,000 would be available to finance an \$85,000 yearly budget. So to me, the newly inserted language on line 24 of page 2 which says "The department shall inspect as many facilities as possible with the funds available in the account" seems moot. I don't see where there will be enough appropriations to furnish an office, much less hire any staff. Now, I don't think this bill would be classified as an unfunded mandate, because it is not requiring anything beyond what its appropriation can support. But why even bother, if the inspection system, which many of us don't think will solve puppy mill animal cruelty, can only be supported at 3% of the cost to administer it?

In the House Ag committee discussions of House Bill 548, it was pointed out that some existing puppy mill's animal cruelty offenses were not being prosecuted by the local authorities. Those are the same authorities that would be called on to charge and prosecute violations of this inspection system. If a county attorney does not at this time wish to prosecute an animal cruelty charge, how much motivation would he or she have to prosecute failure to register a facility?

At the end of the House Ag committee discussion, Representative Wagner said, and I hope I quote him correctly, "We are adding state employees with state costs for a local issue that we could solve if people would just do their job. One thing that wasn't brought up here was animal control units of counties, and they already have the authority to do this. I would feel very comfortable and be very happy to carry legislation that gives more teeth to local authorities to administer their problems in their home towns where they know what's going on."

Personally I think this is a much better solution. It is the local governments who get stuck with these rescue costs and we think local governments can be provided with "more teeth" to "do their job." Then everyone wins, especially the dogs. I know that as a hobby breeder, Afghan Hound fancier, and animal lover that I would much prefer Representative Wagner's approach. I would urge you to not concur with the House on this unworkable bill, and give us a chance to come up with solutions geared to where the problems exist and in my mind, to the places where they can be solved.

Thank you. Brian Wood, Box 153, Loma, Montana 59460 406-621-5699